

NINTH DAY

TUESDAY, AUGUST 11, 2009

Legislature met pursuant to adjournment.

President Wayne E. Zyra in the Chair.

ROLL CALL

Present — Legislators Adair, Andrews, Antelli, Barker, Beebe, Bronson, Cassetti, Colby, Cruz, Daniele, Driscoll, Esposito, Eckel, Gamble, Gumina, Haney, Hanna, Heider, Kaleh, LaFountain, Lee, Lightfoot, McCann, O'Brien, Quatro, Tucciarello, Valerio, Yolevich, Zyra – 29

Meeting formally opened. At the invitation of Legislator Glenn J. Gamble, Elder Burnice G. Greene of God's Vision Ministries, Inc. delivered the invocation. The Pledge of Allegiance to the Flag was led by Legislator Carmen F. Gumina.

MOTIONS, RESOLUTIONS AND NOTICES

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| 25. Quatro & Bronson
Intro. 261
Res. 202
29-0 | 09-0255 | Expressing Regret of the Monroe County Legislature on the Recent Passing of The Honorable Joseph N. Ferrari - former Monroe County Legislature President and Board of Supervisor Member |
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APPROVAL OF MINUTES

Without objection, the journal of the session of Day 8 of 2009, July 14, 2009 was approved as submitted.

PETITIONS AND COMMUNICATIONS

PROCLAMATIONS

By the President of the Legislature — Wayne E. Zyra

Recognized Jointly with Legislators E. Daniel Quatro, Mary A. Valerio and Travis R. Heider “Twelve Corners Middle School” for earning the “Essential Elements: School to Watch” designation.
Read and Filed.

Recognized Jointly with Legislators Ciaran T. Hanna and Michael G. Barker “The Fairport Track and Field Team” on their immeasurable dedication and record breaking athletic achievements.
Read and Filed.

Recognized Jointly with Legislators Michael G. Barker and R. Anthony LaFountain “Brian Niggli” for his years of dedicated service to the Penfield community as Fire Safety Program Coordinator and his recent achievement of the 2009 Fire Safety Educator of the Year Award
Read and Filed.

Recognized Jointly with Legislators Jeffrey R. Adair, Anthony Daniele and Ciaran T. Hanna “Calkins Road Middle School” for earning the “Essential Elements: School to Watch” designation.
Read and Filed.

Recognized Jointly with Legislators Jeffrey R. Adair, Anthony Daniele and Ciaran T. Hanna “Barker Road Middle School” for earning the “Essential Elements: School to Watch” designation.
Read and Filed.

Recognized Jointly with Legislators Michael G. Barker and Richard Beebe “Lou Lombardo” for his years of dedicated service to the community through wrestling and the new sport of beach wrestling along with being awarded 2009 USA Wrestling Beach Person of the Year award.
Read and Filed.

Recognized Jointly with Legislators Willie J. Lightfoot, Jr. and Jose A. Cruz “ Victor & Abigail DeJesus of Isla Del Incanto Unisex Shop” for exceptional service to the community.
Read and Filed.

Recognized Jointly with Willie Lightfoot, Jr. and Jose A. Cruz “Rochester Latino Rotary Club” for recently being chartered by Rotary International and for dedicated community service.
Read and Filed.

Recognized Jointly with Legislators Harry B. Bronson, Carrie M. Andrews, Calvin Lee, Jr. and Paul E. Haney “John Nugent & Marc Iacona of the Rochester International Jazz Festival” for their hard work and dedication to the Rochester community.
Read and Filed.

Recognized Jointly with Legislator Willie J. Lightfoot, Jr. “Greg Goolsby and the Classy Cut Barber Shop” for exceptional service to the community.
Read and Filed.

FORMAL COMMITTEE REPORTS

NONE

PUBLIC FORUM

An Open Forum was conducted to allow speakers to address the Legislature. Thirty-four speakers addressed the Legislature on various subjects and the Open Forum concluded at 7:55 P.M.

RECESS

A recess was declared by President Zyra to allow for a meeting of the **Pure Waters Administrative Board**.

RECONVENING LEGISLATURE

President Zyra reconvened the recessed meeting of August 11, 2009 and proceeded under the Usual Order of Business.

LOCAL LAWS

1. Tucciarello, 09-0250 Amending Local Law No. 1 of 2001, As Amended By Local Law Nos. 6 And 8 Of 2002, Daniele & Local Law Nos. 3, 8 And 14 Of 2003, Local Law Nos. 2 And 3 Of 2004, Local Nos. 6 And LaFountain 7 Of 2005, Local Law Nos. 2, 3, 6, 9 And 10 Of 2006, Local Law Nos. 1, 4, 7 And 8 Of 2007 Intro. 262 And Local Law Nos. 3, 5, 6, 10 And 12 Of 2008 To Revise Empire Zone Boundary Planning and Economic Development Committee; July 27, 2009 – CV: 5-0 Ways and Means Committee; July 29, 2009 – CV: 10-0
(For Introductory Purposes Only)
2. Tucciarello, 09-0250 Providing That Local Law (Intro. No. 262 of 2009) Entitled, “Amending Local Law No. 1 of Daniele & Local Law Nos. 6 And 8 Of 2002, Local Law Nos. 3, 8 And 14 Of 2003, Local Law Nos. 2 And 3 Of 2004, Local Nos. 6 And 7 Of 2005, Local Law Nos. 2, 3, 6, LaFountain 9 And 10 Of 2006, Local Law Nos. 1, 4, 7 And 8 Of 2007 And Local Law Nos. 3, 5, 6, 10 Intro. 263 And 12 Of 2008 To Revise Empire Zone Boundary,” Be Tabled M. 57 29-0
3. Tucciarello, 09-0250 Fixing A Public Hearing On Local Law (Intro. No. 262 of 2009), Entitled, “Amending Local Daniele & Local Law Nos. 6 And 8 Of 2002, Local Law Nos. 3, 8 Law No. 1 of 2001, As Amended By Local Law Nos. 6 And 8 Of 2002, Local Law Nos. 3, 8 And 14 Of 2003, Local Law Nos. 2 And 3 Of 2004, Local Nos. 6 And 7 Of 2005, Local Law Intro. 264 Nos. 2, 3, 6, 9 And 10 Of 2006, Local Law Nos. 1, 4, 7 And 8 Of 2007 And Local Law Res. 203 Nos. 3, 5, 6, 10 And 12 Of 2008 To Revise Empire Zone Boundary” 29-0
(Public Hearing is scheduled for Tuesday, September 8, 2009 at 6:15 p.m.)

MOTIONS, RESOLUTIONS AND NOTICES

4. Tucciarello & 09-0195 Providing That Resolution (Intro. No. 227 of 2009), Entitled “Authorizing Additions To Hanna Monroe County Agricultural Districts,” Be Lifted From The Table Intro. 265 M. 58 29-0
5. Tucciarello & 09-0195 Providing That Resolution (Intro. No. 227 of 2009), Entitled “Authorizing Additions To Hanna Monroe County Agricultural Districts,” Be Adopted Intro. 266 Planning and Economic Development Committee; June 22, 2009 – CV: 5-0 and July 27, 2009 - CV: 5-0 M. 59 29-0

Intro. 227 Main Motion
Res. 204
29-0

6. Driscoll, 09-0223 Providing That Resolution (Intro. No. 253 Of 2009), Entitled “Approving Monroe
Valerio & Community College’s 2009-2010 Operating Budget,” Be Lifted From The Table
LaFountain
Intro. 267
M. 60
29-0

7. Driscoll, 09-0223 Providing That Resolution (Intro. No. 253 Of 2009), Entitled “Approving Monroe
Valerio & Community College’s 2009-2010 Operating Budget,” Be Adopted
LaFountain Recreation and Education Committee; July 29, 2009 – CV: 4-0
Intro. 268 Ways and Means Committee; July 29, 2009 – 11-0
M. 61
29-0

Intro. 253 Main Motion
Res. 205
29-0

Intro. 269 Zyra/Quatro
M. 62 Motion to Reconsider File No. 09-0203 br.
15-14 *(Legislators Bronson, Andrews, Beebe, Cruz, Eckel, Esposito, Gamble, Gumina, Haney, Heider, Kaleb, Lee, Lightfoot and O’Brien voted in the negative)*

8. Quatro, 09-0203 br. Resolution Authorizing The Issuance Of \$250,500 Bonds Of The County Of Monroe,
Cassetti & New York, To Finance The Cost Of The Stabilization Of Irondequoit Creek Stream Bank In
LaFountain Powder Mills And Ellison Parks, In And For Said County, At An Estimated Maximum Cost
Intro. 238 Of \$250,500
15-14 F Environment and Public Works Committee; June 24, 2009 – CV: 4-3
Ways and Means Committee; June 24, 2009 – CV: 6-5
(Legislators Bronson, Andrews, Beebe, Cruz, Eckel, Esposito, Gamble, Gumina, Haney, Heider, Kaleb, Lee, Lightfoot and O’Brien voted in the negative)

Intro. 270 Haney/Bronson
M. 63 Motion to bring forth a Matter Of Urgency per Section 545-24 (A-4). Two-thirds
13-16 voted is required.
(Legislators Bronson, Andrews, Beebe, Cruz, Eckel, Esposito, Gamble, Gumina, Haney, Heider, Kaleb, Lee and Lightfoot voted in the positive)

9. Yolevich, 09-0228 Appointment to Monroe County Agricultural and Farmland Protection Board
Barker &
Colby
Intro. 271
Res. 206
29-0

10. Valerio & 09-0235 Authorizing Contract With Parrone Engineering For Professional Engineering Services
LaFountain For Greece Canal Park Master Plan Improvements Project
Intro. 272 Recreation and Education Committee; July 29, 2009 – CV: 4-0
Res. 207 Ways and Means Committee; July 29, 2009 – CV: 10-0
29-0

11. Valerio & 09-0236 Authorizing Acquisition Of Two Properties In Towns Of Webster And Irondequoit As Part
LaFountain Of Monroe County Green Space Initiative
Intro. 273 Recreation and Education Committee; July 29, 2009 – CV: 4-0
Res. 208 Ways and Means Committee; July 29, 2009 – CV: 10-0
29-0

12. Daniele, 09-0237 Amending Resolution 256 Of 2003 to Amend Intermunicipal Agreement With Rush
Barker & Henrietta Central School District For Purchase Of Fuel For Vehicles Of Monroe County
LaFountain Sheriff’s Office
Intro. 274 Intergovernmental Relations Committee; July 28, 2009 – CV: 5-0
Res. 209 Public Safety Committee; July 27, 2009 – CV: 7-0
29-0 Ways and Means Committee; July 29, 2009 – CV: 10-0

13. Hanna, 09-0238 Authorizing Contract With LaBella Associates, P.C. For Professional Services for New
Cassetti & Monroe County Children's Detention Center Project
LaFountain Human Services Committee; July 28, 2009 – CV: 5-0
Intro. 275 Environment and Public Works Committee; July 29, 2009 – CV: 7-0
Res. 210 Ways and Means Committee; July 29, 2009 – CV: 10-0
29-0
14. Cassetti & 09-0239 Authorizing Contracts With Battle Construction Co., Inc., Landry Mechanical Contractors, T.
LaFountain Bell Construction Corp., and East Coast Electric LLC for Construction Services for Hall
Intro. 276 Of Justice Phase IID Second Floor Family Court Alterations Project
Res. 211 Environment and Public Works Committee; July 29, 2009 – CV: 7-0
29-0 Ways and Means Committee; July 29, 2009 – CV: 10-0
15. Cassetti & 09-0240 Authorizing Contract With KCI Engineering Of New York, P.C. for Professional
LaFountain Engineering Services for Irondequoit Bay South Central Sewer Districts Pinnacle Road
Intro. 277 Pump Station Improvements Project
Res. 212 Environment and Public Works Committee; July 29, 2009 – CV: 7-0
29-0 Ways and Means Committee; July 29, 2009 – CV: 10-0
16. Cassetti & 09-0242 Authorizing Contract With Op-Tech Environmental Services, Inc. for General Construction
LaFountain for Rochester and Irondequoit Bay South Central Pure Waters Districts Selective Demotion
Intro. 278 Of Wastewater Facilities Project
Res. 213 Environment and Public Works Committee; July 29, 2009 – CV: 7-0
29-0 Ways and Means Committee; July 29, 2009 – CV: 10-0
17. Colby, 09-0244 Authorizing Contracts With Bergmann Associates for Engineering Services and New York
Antelli & State Department Of Transportation For Replacement Of Kirk Road Bridge Over Round
LaFountain Pond Creek Project In Town Of Greece
Intro. 279 Transportation Committee; July 29, 2009 – CV: 8-0
Res. 214 Ways and Means Committee; July 29, 2009 – CV: 10-0
29-0
18. LaFountain & 09-0245 Authorizing Sale of County Owned Tax Foreclosure Property, Town Of Brighton
Barker Ways and Means Committee; July 29, 2009 – CV: 10-0
Intro. 280
Res. 215
29-0
19. LaFountain & 09-0246 Authorizing Sale of County Owned Tax Foreclosure Property, Town Of Irondequoit
Barker Ways and Means Committee; July 29, 2009 – CV: 10-0
Intro. 281
Res. 216
29-0
20. LaFountain & 09-0247 Directing Correction, Cancellation And Levy Of Certain Monroe County Taxes In
Barker City of Rochester and Town Of Brighton
Intro. 282 Ways and Means Committee; July 29, 2009 – CV: 10-0
Res. 217
29-0
21. LaFountain & 09-0248 Directing The Refund Of Certain Monroe County Taxes Levied And Collected Against
Barker Property In City Of Rochester
Intro. 283 Ways and Means Committee; July 29, 2009 – CV: 10-0
Res. 218
29-0
22. LaFountain & 09-0252 Extension Of Additional One Percent Tax On Sales And Uses Of Tangible Personal Property
Barker And Of Certain Services, And On Occupancy Of Hotel Rooms And Amusement Charges,
Intro. 260 Pursuant To Article 29 Of The Tax Law Of The State Of New York; Amending Resolution
Res. 201 No. 265 Of 1965, As Last Amended By Resolution No. 373 Of 2007
29-0 Ways and Means Committee; July 29, 2009 – CV: 10-0

Matters Of Urgency

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| 23. Colby &
LaFountain
Intro. 284
Res. 219
29-0 | 09-0253 | Authorizing Contracts With Spartan Contracting, LLC For Construction Services And Popli Consulting Engineers And Surveyors For Resident Project Representation Services For American Recovery And Reinvestment Act – Bridges Project
Matter Of Urgency |
| 24. Colby &
LaFountain
Intro. 285
Res. 220
29-0 | 09-0254 | Authorizing Contracts With Villager Construction, Inc. For Construction Services And Ravi Engineering And Land Surveying, P.C. For Resident Project Representation Services For American Recovery And Reinvestment Act – Highway Project Contract 1
Matter Of Urgency |

UNFINISHED BUSINESS

NONE

Upon Motion by Legislator E. Daniel Quatro, the Legislature adjourned at 8:55 P.M. until Tuesday September 8, 2009 at 6:00 p.m.

LISA POLITO NICOLAY
Clerk of the Legislature